

REMARKS

Claim 1 has been amended. Claims 9, 11 and 25 have been cancelled. Claims 1-8, 10, 12-15 and 19-23 are now pending in the application. Reexamination and reconsideration of the claims, in view of the amendments and discussion below, are respectfully requested.

Applicant wishes to thank the examiner for the telephone interview with the undersigned attorney on March 30, 2010. In the interview, the examiner indicated that the above amendment to page 7 of the specification, and the drawings referenced in the next paragraph, are acceptable.

In response to the objection to the drawings under 37 C.F.R. 1.83(a), a new Figure 5 is submitted, along with renumbered pages for Figures 1-4. In response to the examiner's objections, Figure 5 now shows the layers 3b-4b as cross-hatched to indicate that these layers are also in section, and includes a cut-line at the upper end of the layers 4a-4b of the sheath 4 to indicate where the partial section terminates.

The examiner objected to the Abstract as using unnecessary or legal terminology. The attached replacement Abstract is submitted in response.

The examiner objected to the disclosure because the description of the invention needs to be consistent with the drawings. It is submitted that Figure 5 submitted with this response overcomes this objection.

The examiner also objected to the disclosure as being either internally inconsistent or otherwise not supportive of the previous amendment to claim 1. First, Applicant desires to point out that the phrase added to claim 1 in the prior amendment was: "and is resiliently expandable in a radial direction, but not in a longitudinal direction." Support for this amendment is found in the original specification at page 7, lines 18-22, as previously referenced. These issues were discussed with the examiner in the March 30, 2010 interview, and Applicant believes that the examiner has now accepted the above arguments.

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The examiner's concerns with the inconsistencies between the use of "expandable in a radial direction" and references in the specification to "elastic in a circumferential direction" seem to be inapposite. Applicant states that in order for a cylindrical tube to be expandable in a radial direction it is at least desirable, if not necessary, that the tube be elastic circumferentially (that is, in a circumferential direction). These issues were discussed with the examiner in the March 30, 2010 interview, and Applicant believes that the examiner has now accepted the above arguments.

The examiner objected to the amendment to the specification as adding new matter, with specific reference to the amendments to page 4, line 13, and to page 7, line 16. As discussed above, it is submitted that the prior language at page 7, lines 16-24, supports the amendment to page 4, lines 13-17. Regarding the objection to the amendment to page 7, line 16, the amendment to the specification herein restores that paragraph to the original status.

The examiner objected to claims 9, 11 and 25 as being substantial duplicates of claim 1. Applicant has cancelled claims 9, 11 and 25.

The examiner rejected the claims under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. It is submitted that this rejection should be withdrawn on the basis of the discussion above regarding the use of the terms "radial" and "circumferential." Claim 1 has been amended to more closely follow the language in the specification on page 7 that the examiner has indicated as approved in the Interview Summary. It is submitted that the claim scope remains as before this amendment. Moreover, the specification at page 7, third sentence, provides that the sheath may be elastic in only the circumferential direction. Although this is stated to be a conditional or optional requirement, the specification clearly supports the limitation of claim 1.

The examiner also provisionally rejected the claims on the ground of nonstatutory obviousness-type double patenting over claims 1-28 of Application No. 11/920481. Applicant respectfully submits that until such time that the Examiner finds allowable subject matter, a

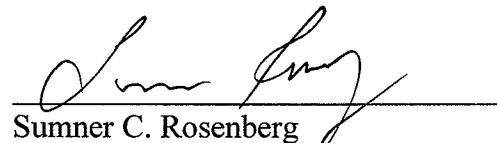
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complete determination regarding the merits of this provisional double patenting rejection cannot be made. Furthermore, since the present application has the earlier filing date, it appears that the disclaimer, if required, should be filed in Application No. 11/920481 if and when the claims in that application are allowed. However, if the examiner holds that a disclaimer is required in the present case, Applicant will file the required disclaimer at that time.

Based on these arguments, claim 1 should be allowable. Since the remaining claims are all dependent, directly or indirectly, on claim 1, they should also be allowable. Therefore, early allowance of all pending claims is respectfully requested.

A credit card payment is being submitted via EFS Web in the amount of \$470.00, representing the fee for a Request for Continued Examination for a small entity under 37 C.F.R. § 1.17(e) and a one-month extension for a small entity under 37 C.F.R. § 1.17(a)(1), together with a Request for Continued Examination, Amendment and Response to Final Office Action and Request for Extension of Time. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



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